IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CASE NO. 5:15-CV-00065-RLV-DCK

HERSHEL W. JONES,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security)	
)	
Defendant.)	
)	

On November 11, 2015, Magistrate Judge Keesler issued a memorandum and recommendation that Plaintiff's Motion for Summary Judgment (Doc. 11) be denied without prejudice because the supporting memorandum of law did not comply with this Court's "Social Security Briefing Order" (3:13-mc-198-FDW, Doc. 1). (Doc. 13). Plaintiff filed an Amended Motion for Summary Judgment, as well as a revised supporting memorandum of law. (Docs. 14-15). On September 6, 2016, Magistrate Judge Keesler issued a memorandum and recommendation that Plaintiff's Amended Motion for Summary Judgment (Doc. 14) be denied; that Defendant's Motion for Summary Judgment (Doc. 16) be granted; and that the Commissioner's decision be affirmed. (Doc. 18). The September 6, 2016 memorandum and recommendation advised Plaintiff of his right to file objections within fourteen days after service of the memorandum and recommendation and warned Plaintiff that a failure to timely file objections would constitute a waiver of de novo review by this Court. *Id.* at 16-17. Plaintiff has not exercised his right to file objections.

The Federal Magistrates Act requires a district court to "make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations

to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)) (emphasis and brackets omitted). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Id. (internal quotation marks omitted).

The Court has reviewed the memorandum and recommendation and has not found clear error.

IT IS, THEREFORE, ORDERED THAT

- (1) The Memorandums and Recommendations (Docs. 13, 18) are **ADOPTED**;
- (2) Plaintiff's Motion for Summary Judgment and Amended Motion for Summary Judgment (Docs. 11, 14) are **DENIED**;
- (3) Defendant's Motion for Summary Judgment (Doc. 16) is **GRANTED**; and
- (4) The Commissioner's determination is **AFFIRMED**.

Signed: November 2, 2016

Richard L. Voorhees United States District Judge